



Commissioner Bice
Commissioner Milton
Commissioner Bower
Commissioner Rubar
Commissioner Hourin
Commissioner Torguson
Commissioner Hector

AGENDA

PLANNING AND ZONING COMMISSION

Tuesday, November 10, 2020

6:00 PM CST

Council Chambers, City Hall
and via teleconference, if necessary

Call to Order

Statement of Purpose

1. May our decisions today be made with wisdom, careful deliberation and in the best interest of the City of Diamondhead. May we display patience and kindness in our dealings with each other and all who are in attendance and may any decisions made today promote the health, safety and welfare of the citizens of Diamondhead and the enhancement of the City as a whole.

Pledge of Allegiance

Roll Call

Confirmation or Adjustments to Agenda

Approval of Minutes

2. Approval of Minutes 10-27-2020

New Business

3. Ms. Athena Tzuanos has filed an application requesting a variance from the Zoning Ordinance (Article 4.18 D ii f (municode)) to allow the placement of an existing shed (9' x 15') without a permit extending beyond the front façade of the house facing Banyan Street. The shed is 25' from the property line on Banyan. This lot is a corner lot having 2 front yard setbacks on Banyan Street and Diamondhead Drive North.

The property address is 63732 Diamondhead Drive North. The tax parcel number is 068R-3-41-037.000. The legal description is Diamondhead Subdivision Phase #1, amended Unit 2 and , Block 2, Lot 12. The property is located in an R-2 zoning district.

4. Ms. Mary Ellen Jones has filed an application requesting a variance from the Zoning Ordinance (Article 9.8 J) to replace a 6' wood privacy fence on the front property line along Laie Court and extending beyond the front façade of her house within the 20' front yard setback area.

The property address is 790 Laie Court. The tax parcel number is 067R-2-36-161.000. The legal description is Diamondhead Subdivision Phase #2, Unit 3, Block 2, Lots 59 and 60. The property is located in an R-2 zoning district. The fence is required to be set back 20' from the front property line but not any closer than the façade of the house.

Unfinished Business

Open Public Comments to Non-Agenda Items

Commissioners' Comments

Communication / Announcements

5. next City council meeting November 17, 2020

Next Planning Commission meeting December 8, 2020

Cases on the December Planning Commission agenda

Ms. Athena Tzuanos has filed an application requesting a variance from the Zoning Ordinance (Article 4.18 D ii f (municode)) to allow the placement of an existing shed (9' x 15') without a permit extending beyond the front façade of the house facing Banyan Street. The shed is 25' from the property line on Banyan. This lot is a corner lot having 2 front yard setbacks on Banyan Street and Diamondhead Drive North.

The property address is 63732 Diamondhead Drive North. The tax parcel number is 068R-3-41-037.000. The legal description is Diamondhead Subdivision Phase #1, amended Unit 2 and , Block 2, Lot 12. The property is located in an R-2 zoning district.

Ms. Mary Ellen Jones has filed an application requesting a variance from the Zoning Ordinance (Article 9.8 J) to replace a 6' wood privacy fence on the front property line along Laie Court and extending beyond the front façade of her house within the 20' front yard setback area.

The property address is 790 Laie Court. The tax parcel number is 067R-2-36-161.000. The legal description is Diamondhead Subdivision Phase #2, Unit 3, Block 2, Lots 59 and 60. The property is located in an R-2 zoning district. The fence is required to be set back 20' from the front property line but not any closer than the façade of the house.

Adjourn or Recess



Commissioner Item No.2.
Commissioner
Commissioner Bower
Commissioner Rubar
Commissioner Hourin
Commissioner Torguson
Commissioner Hector

MINUTES
PLANNING AND ZONING COMMISSION
Tuesday, October 27, 2020
6:00 PM CST
Council Chambers, City Hall
and via teleconference, if necessary

Call to Order

Chairman Bice called the meeting to order at 6:00 p.m.

Statement of Purpose

Commissioner Rubar read the Statement of Purpose.

May our decisions today be made with wisdom, careful deliberation and in the best interest of the City of Diamondhead. May we display patience and kindness in our dealings with each other and all who are in attendance and may any decisions made today promote the health, safety and welfare of the citizens of Diamondhead and the enhancement of the City as a whole.

The Pledge of Allegiance.

Commissioner Bower led the Pledge of Allegiance

Roll Call

Commissioner Rubar, Bower, Hector, Layel, Hourin, Bice. Absent: Torguson.

Also present City Attorney, Derek Cusick, Building Official, Ronald Jones, Building Inspector, Beau King, Minute Clerk, Tammy Braud.

Confirmation or Adjustments to Agenda

Commission Rubar, second by Commissioner Bower to approve the agenda as presented.

Motion Carried Unanimously

Approval of Minutes

Commissioner Hourin, second by Commissioner Bower to accept the minutes of September 29, 2020 minutes.

Motion Carried Unanimously

New Business

Ms. Tammy Simms Fields and Mr. Scott C. Lippon have filed an application requesting a variance from the Zoning Ordinance (Article 4.6.5E iii) to allow a carport within 7.5' (the closest point) and 11.5' (the farthest point) from the rear property line. The case file number is 202000395.

The property address is 8912 Anahola Court. The tax parcel number is 067J-3-36-143.000. The legal description is Diamondhead Subdivision Phase #2, Unit 7A, Block 1, Lot 75. The property is located in a R-2 zoning district. The minimum rear yard setback is 20 feet.

City Attorney, Derek Cusick reminded commissioners about the case.

Building Official, Ronald Jones addressed and answered questions from the Commissioner.

His recommendation is to approve the request.

Chairman Bice asked if anyone was here to represent Mrs. Fields / Scott Lippon.

Mr. Lippon spoke and answered questions from the commissioners.

Chairman Bice asked for any public comments.

Mr. Arroyo, the neighbor, spoke to the commissioners. Commissioner Hourin asked if he was satisfied with the changes that was made. Mr. Arroyo stated he was satisfied.

Commissioner Bower, second by Commissioner Hector made a motion to accept the recommendation of Building Official, Ronald Jones to approve to the City Council.

Motion Carried Unanimously

Unfinished Business

None

Open Public Comments to Non-Agenda Items

Commissioners' Comments

Communication / Announcements

Next City Council meeting November 3, 2020

Next Planning Commission meeting November 10, 2020

Cases on the November Planning Commission agenda

Ms. Mary Ellen Jones has filed an application requesting a variance from the Zoning Ordinance (Article 9.8 J) to replace a 6' wood privacy fence on the front property line along Laie Court and extending beyond the front façade of her house within the 20' front yard setback area. The property address is 790 Laie Court.

Ms. Athena Tzuanos has filed an application requesting a variance from the Zoning Ordinance (Article 4.18 D ii f (municode)) to allow the placement of an existing shed (9' x 15') without a permit extending beyond the front façade of the house facing Banyan Street. The shed is 25' from the property line on Banyan. This lot is a corner lot having 2 front yard setbacks on Banyan Street and Diamondhead Drive North. The property address is 63732 Diamondhead Drive North.

Adjourn or Recess

Commissioner Rubar, second by Commissioner Hourin to adjourn at 6:31 p.m.

Motion Carried Unanimously

EJ Bice, Chairman
Planning & Zoning

RECEIVED
SEP 28 2020
BY: R/j 8:00am

5000 Diamondhead Circle
Diamondhead, MS 38525
Ph: 228-222-4626
Fax: 228-222-4390

Parcel #
068 R-3-41-037.000

APPLICATION FOR VARIANCE REQUEST

Case Number: 2020000432

Date: 9/23/20

Applicant: Athena Tzuanos
Applicant's Address: 43732 Diamondhead Dr. N Diamondhead Ms
Applicant's Email Address: atzuanos@ymail.com
Applicant's Contact Number: (Home) (Work) (Cell) (985) 285-7300

Property Owner: Athena Tzuanos
Owner's Mailing Address: S/A
Owner's Email Address: S/A
Owner's Contact Number: (Home) (Work) (Cell) S/A

Tax Roll Parcel Number:
Physical Street Address: 43732 Diamondhead Dr. N Diamondhead Ms. 39517

Legal Description of Property:
Zoning District:

State Purpose of Variance: (Front/Side/Rear/Lot Size/Parking/Building/Coverage)
(Signage-Size-Height)
Shed or Privacy fence on side of unalot

REQUIREMENTS

- a. A statement describing (i) a variance request; and (ii) the reasons why it complies with the criteria for variances provided in Section 2-6.5, specifically:
 - THE CONDITIONS FOR GRANTING A VARIANCE (SEE ATTACHED SHEET #4)
 1. DO THE SPECIAL CONDITIONS AND/OR CIRCUMSTANCES EXIST WHICH AFFECT ONLY THE LAND OR STRUCTURE IN QUESTION AND NO OTHER SURROUNDING OR SIMILAR PROPERTIES?
 2. WOULD LITERAL INTERPRETATION OF THE RULE OF VARIANCE DEPRIVE THE OWNER/APPLICANT OF RIGHTS COMMONLY ENJOYED BY OTHER PROPERTIES IN THE SAME ZONING DISTRICT?
 3. ARE THE SPECIAL CONDITIONS OR CIRCUMSTANCES NOT CAUSED BY THE OWNER/APPLICANT?
 4. WOULD THE REQUESTED VARIANCE GIVE THE OWNER/APPLICANT ANY SPECIAL PRIVILEGES OR RIGHTS NOT ENJOYED BY OWNERS OF SIMILAR PROPERTIES?
 - b. The property address and the name and mailing address of the owner of each lot within 300 feet of the subject property and a map with parcels keyed to the ownership and address data.
 - c. Site plans, preliminary building elevations, preliminary improvement plans, or other maps or drawings, sufficiently dimensioned as required to illustrate the following, to the extent related to their variance application:
 - i. Existing and proposed location and arrangement of uses on the site, and on adjoining sites within 100 feet.
 - ii. Existing and proposed site improvements, buildings, and other structures on the site, and any off-site improvements related to or necessitated by the proposed use. Building elevations shall be sufficient to indicate the general height, bulk, scale, and architectural character.
 - iii. Existing and proposed topography, grading, landscaping, and screening, irrigation facilities, and erosion control measures.
 - iv. Existing and proposed parking, loading, and traffic and pedestrian circulation features, both on the site and any off-site facilities or improvement related to or necessitated by the proposed use.
 - d. The zoning Administrator may request additional information necessary to enable a complete analysis and evaluation of a variance request, and determination as to whether the circumstances prescribed for the granting of a variance exist.
 - e. A fee established by the City Council shall accompany the application. A single application may include request for variances from more than one regulation applicable to the same site, or for similar variances on two or more adjacent parcels with similar characteristics.
- D. Payment of fee for Variance request: \$100.00 as per Ordinance 2012-030

STATEMENT OF UNDERSTANDING

As the applicant or owner/s for the requested Variance in the City of Diamondhead, I (we) understand the following:

The application fee of \$100.00 must be paid prior to the acceptance of the application. Further, that if the application is withdrawn for any reason that the application fee is forfeited to the City of Diamondhead.

As the applicant or owner/s, I (we), or the designed representative, must be present at the public hearing.

That all information provided with this application is true and correct to the best of my knowledge.

That this application represents only property owned by me (us) and that any other adjoining property owners must apply for a Variance on his own behalf.

That all required attachments have been provided to the City of Diamondhead.

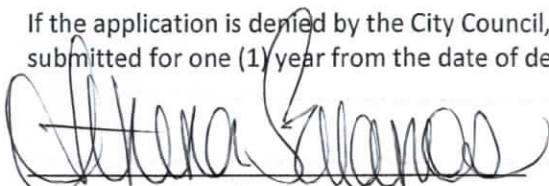
That additional information may be required by the Planning Commission prior to final disposition.

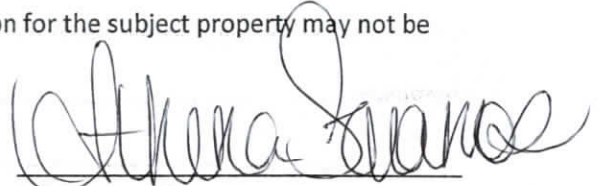
The City Council will not accept new case evidence once the recommendation has been made by the Planning Commission. If new evidence needs to be presented, the applicant will need to request that the matter be referred back to the Planning Commission for review.

The Public Hearing will be held on _____ at _____ p.m. in the Council Chambers of the Diamondhead City Hall.

If a continuance of the hearing is necessary at my (our) request, the request must be made to the Zoning Official a minimum of seven (7) days prior to the hearing. If such request is not made in writing, I understand that a new application must be filed and an application fee paid to the City.

If the application is denied by the City Council, a new application for the subject property may not be submitted for one (1) year from the date of denial.


Signature of Applicant


Signature of Property Owner



_____ For Official Use Only _____

- \$100.00
- Copy of Deed, Lease or Contract
- Site Plan
- Parking Spaces
- List of Property Owner

- Application Signed
- Written Project Description
- Drainage Plan NA ()
- Notarized Statement NA ()

REQUIRED ITEM A

Property Owner _____

Street Address _____

Statement Describing Variance Request

The reasons why it complies with the criteria for variances:

- 1. DO THE SPECIAL CONDITIONS AND/OR CIRCUMSTANCES EXIST WHICH AFFECT ONLY THE LAND OR STRUCTURE IN QUESTION AND NO OTHER SURROUNDING OR SIMILAR PROPERTIES?

Response: _____

- 2. WOULD LITERAL INTERPRETATION OF THE ZONING ORDINANCE DEPRIVE THE OWNER/APPLIANT OF RIGHTS COMMONLY ENJOYED BY OTHER PROPERTIES IN THE SAME ZONING DISTRICT?

Response: _____

- 3. ARE THE SPECIAL CONDITIONS OR CIRCUMSTANCES NOT CAUSED BY THE OWNER/APPLICANT?

Response: _____

- 4. WOULD THE REQUESTED VARIANCE NOT GIVE THE OWNER/APPLICANT ANY SPECIAL PRIVILEGES OR RIGHTS NOT SHARED BY OWNERS OF SIMILAR PROPERTIES?

Response: _____

RECEIVED
SEP 28 2020
BY: ~ 8:00AM

REQUIRED ITEM A

Property Owner Athena Tzouanos

Street Address 13732 Diamondhead Dr. N

Statement Describing Variance Request

we need to put a wood or privacy fence on side of my house to block my neighbors for the safety of myself & kids.

The reasons why it complies with the criteria for variances:

1. DO THE SPECIAL CONDITIONS AND/OR CIRCUMSTANCES EXIST WHICH AFFECT ONLY THE LAND OR STRUCTURE IN QUESTION AND NO OTHER SURROUNDING OR SIMILAR PROPERTIES?

Response: This is a special request & circumstance that was not caused by myself.

2. WOULD LITERAL INTERPRETATION OF THE ZONING ORDINANCE DEPRIVE THE OWNER/APPLICANT OF RIGHTS COMMONLY ENJOYED BY OTHER PROPERTIES IN THE SAME ZONING DISTRICT?

Response: No it would not due to it being on the side of my home.

3. ARE THE SPECIAL CONDITIONS OR CIRCUMSTANCES NOT CAUSED BY THE OWNER/APPLICANT?

Response: No it is not - this is safety issue for myself & my children.

4. WOULD THE REQUESTED VARIANCE NOT GIVE THE OWNER/APPLICANT ANY SPECIAL PRIVILEGES OR RIGHTS NOT SHARED BY OWNERS OF SIMILAR PROPERTIES?

Response: No it would not.

STATEMENT OF UNDERSTANDING

As the applicant and owner(s) for the referenced file listed on the City of Diamondhead file # (we) understand the following:

The application fee of \$100 will have been paid prior to the acceptance of the application. Further, that if the application is withdrawn for any reason that the application fee is forfeited to the City of Diamondhead.

As the applicant and owner(s), I/we, or the designated representative, will be present at the public hearing.

That all information provided with this application is true and correct to the best of my knowledge.

That this application represents only property owned by me/us, and that I/we do not own an adjoining property or intend to apply for a variance on that property.

That all required attachments have been provided to the City of Diamondhead.

That additional information may be required by the Planning Commission prior to final disposition.

The City Council will not accept any date of decision if the required information has been made by the Planning Commission. If the applicant needs to be present at the application, I/we need to request that the matter be referred back to the Planning Commission for review.

The Public Hearing will be held on _____ at _____ pm in the Council Chamber of the Diamondhead City Hall.

If a public hearing is necessary at any point, requestive request must be made to the Zoning Official within seven (7) days prior to the hearing. If no request is not made in writing, I understand that a new application must be filed and an application fee paid to the City.

If the application is denied by the City Council, a new application for the subject property may not be submitted for one (1) year from the date of denial.

[Handwritten Signature]

Signature of Applicant

[Handwritten Signature]

Signature of Property Owner

For Official Use Only

- \$100.00
- Copy of Deed, Lease or Contract
- Site Plan
- Parking Spaces
- List of Property Owner
- Application Signed
- Written Project Description
- Drainage Plan
- Notarized Statement N/A

RECEIVED
OCT 04 2020
BY: 9:30 A.M.





5000 Diamondhead Circle
Diamondhead, MS 39525
Ph: 228-222-4626
FX: 228-222-4390

APPLICATION FOR VARIANCE REQUEST

Case Number: _____
Date 09-22-2020

RECEIVED
SEP 22 2020
BY _____

Applicant: Mary Ellen Jones

Applicant's Address: 790 Laie Court, Diamondhead, MS 39525

Applicant's Email Address: deltagirl1943@gmail.com

Applicant's Contact Number: (Home) (228) 342-0817 (Work) retired (Cell) same

Property Owner: Mary Ellen Jones

Owner's Mailing Address: 790 Laie Court, Diamondhead, MS 39525

Owner's Email Address: deltagirl1943@gmail.com

Owner's Contact Number: (Home) 228-342-0817 (Work) retired (Cell) same

Tax Roll Parcel Number: 067R-2-36-161.00

Physical Street Address: 790 Laie Court, Diamondhead, MS 39525

Legal Description of Property: single family home

Zoning District: R-2

State Purpose of Variance: (Front/Side/Rear/Lot Size/Parking/Building/Coverage)

(Signage-Size-Height) To replace a wooden fence beyond the facade of the house facing Laie Court.

If I have to change the present location of the site of the exiting fence, I will lose my vegetable garden spot and the spot where my above ground vegetable^{growing} structure is. The two garden spots are the only places I have that provide enough sun for raising vegetables in an otherwise shady yard. It will also effect my neighbors landscaping.

REQUIRED ITEMS:

- A. A statement describing the variance request and all the reasons why it complies with the criteria for variances provided in Section 2.6.5, specifically.
- THE CONDITIONS FOR GRANTING A VARIANCE: (SEE ATTACHED SHEET #4)**
1. DO THE SPECIAL CONDITIONS AND/OR CIRCUMSTANCES EXIST WHICH AFFECT ONLY THE LAND OR STRUCTURE IN QUESTION AND NO OTHER SURROUNDING OR SIMILAR PROPERTIES?
 2. WOULD LITERAL INTERPRETATION OF THE ZONING ORDINANCE DEPRIVE THE OWNER/APPLICANT OF RIGHTS COMMONLY ENJOYED BY OTHER PROPERTIES IN THE SAME ZONING DISTRICT?
 3. ARE THE SPECIAL CONDITIONS OR CIRCUMSTANCES NOT CAUSED BY THE OWNER/APPLICANT?
 4. WOULD THE REQUESTED VARIANCE NOT GIVE THE OWNER/APPLICANT ANY SPECIAL PRIVILEGES OR RIGHTS NOT SHARED BY OWNERS OF SIMILAR PROPERTIES?
- B. The property address and the name and mailing address of the owner of each lot within 300 feet of the subject property and a map with parcels keyed to the ownership and address data.
- C. Site plans, preliminary building elevation, preliminary improvement plans, or other maps or drawings, sufficiently dimensioned as required to illustrate the following, to the extent related to their variance application:
- i. Existing and proposed location and arrangement of uses on the site, and on abutting sites within 100 feet.
 - ii. Existing and proposed site improvements, buildings, and other structures on the site, and any off-site improvements related to or necessitated by the proposed use. Building elevations shall be sufficient to indicate the general height, bulk, scale, and architectural character.
 - iii. Existing and proposed topography, grading, landscaping, and screening, irrigation facilities, and erosion control measures.
 - iv. Existing and proposed parking, loading, and traffic and pedestrian circulation features, both on the site and any off-site facilities or improvement related to or necessitated by the proposed use.
 - v. The Zoning Administrator may request additional information necessary to enable a complete analysis and evaluation of the variance request, and determination as to whether the circumstances prescribed for the granting of a variance exist.
 - vi. A fee established by the City Council shall accompany the application. A single application may include request for variances from more than one regulation applicable to the same site, or for similar variances on two or more adjacent parcels with similar characteristics.
- D. Payment of fee for Variance request: \$100.00 as per Ordinance 2012-020

STATEMENT OF UNDERSTANDING

As the applicant or owner/s for the requested Variance in the City of Diamondhead, I (we) understand the following:

The application fee of \$100.00 must be paid prior to the acceptance of the application. Further, that if the application is withdrawn for any reason that the application fee is forfeited to the City of Diamondhead.

As the applicant or owner/s, I (we), or the designed representative, must be present at the public hearing.

That all information provided with this application is true and correct to the best of my knowledge.

That this application represents only property owned by me (us) and that any other adjoining property owners must apply for a Variance on his own behalf.

That all required attachments have been provided to the City of Diamondhead.

That additional information may be required by the Planning Commission prior to final disposition.

The City Council will not accept new case evidence once the recommendation has been made by the Planning Commission. If new evidence needs to be presented, the applicant will need to request that the matter be referred back to the Planning Commission for review.

The Public Hearing will be held on Nov 10, 2020 at 6:00 p.m. in the Council Chambers of the Diamondhead City Hall.

If a continuance of the hearing is necessary at my (our) request, the request must be made to the Zoning Official a minimum of seven (7) days prior to the hearing. If such request is not made in writing, I understand that a new application must be filed and an application fee paid to the City.

If the application is denied by the City Council, a new application for the subject property may not be submitted for one (1) year from the date of denial.

Mary Ellen Jones
Signature of Applicant

Mary Ellen Jones
Signature of Property Owner

_____ For Official Use Only _____

- \$100.00
- Copy of Deed, Lease or Contract
- Site Plan
- Parking Spaces
- List of Property Owner

- Application Signed
- Written Project Description
- Drainage Plan NA
- Notarized Statement NA

REQUIRED ITEM A

Property Owner Mary Ellen Jones

Street Address 790 Laie Court, Diamondhead MS 39525

Statement Describing Variance Request

That a new fence may be built where the existing fence is now because of location of my vegetable garden spot in the only sunny area in my backyard. If I have to plant outside the fence, the deer will eat all my plants
The reasons why it complies with the criteria for variances:

1. DO THE SPECIAL CONDITIONS AND/OR CIRCUMSTANCES EXIST WHICH AFFECT ONLY THE LAND OR STRUCTURE IN QUESTION AND NO OTHER SURROUNDING OR SIMILAR PROPERTIES?

Response: Yes, although it would or might affect my neighbor's landscaping somewhat.

2. WOULD LITERAL INTERPRETATION OF THE ZONING ORDINANCE DEPRIVE THE OWNER/APPLIANT OF RIGHTS COMMONLY ENJOYED BY OTHER PROPERTIES IN THE SAME ZONING DISTRICT?

Response: Yes, I would be deprived of my fence protecting my garden from the deer. I have my garden placed where there is sun since the rest of my yard is in shade.

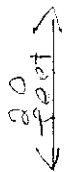
3. ARE THE SPECIAL CONDITIONS OR CIRCUMSTANCES NOT CAUSED BY THE OWNER/APPLICANT?

Response: My cause is I want to raise my vegetables. The neighbors love that I share with them.

4. WOULD THE REQUESTED VARIANCE NOT GIVE THE OWNER/APPLICANT ANY SPECIAL PRIVILEGES OR RIGHTS NOT SHARED BY OWNERS OF SIMILAR PROPERTIES?

Response: No

Lane Court Street



double gate

Power Pole

Approx.

1-23'

Gate

Property Line with neighbor

Power Pole

Where Ho. is Jo

Property Line with neighbor

Gate

Power Pole

